

Glen M. Diehl, Esq.
Matthew P. Hintz, Esq.
DIEHL SERVILLA LLC
33 Wood Avenue South,
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

VIRTUAL REALITY FEEDBACK
CORPORATION and CRAIG THORNER,

Plaintiffs,

v.

ULTIMATE GAME CHAIR, INC. and
RAYMOND JAMIE DURAN

Defendants.

Civil Action No.

COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Virtual Reality Feedback Corporation (“VRF”) and Craig Thorner (“Thorner”) for their Complaint against Defendants Ultimate Game Chair, Inc. (“Ultimate Game Chair”) and Raymond Jamie Duran (“Mr. Duran”) hereby allege as follows:

THE PARTIES

1. Plaintiff VRF is a corporation organized and existing under the laws of the State of New Jersey with a place of business located at 14 Stuyvesant Road, Brick, NJ 08723.
2. Plaintiff Thorner is an individual whose principle residence is located at 14 Stuyvesant Road, Brick, NJ 08723.
3. On information and belief, Defendant Ultimate Game Chair is a corporation

organized and existing under the laws of the State of California and maintains a place of business at 2627 Presidio Drive, Brentwood, CA 94513.

4. On information and belief, Defendant Mr. Duran is an individual whose principle residence is located at 2627 Presidio Drive, Brentwood, CA 94513 and is employed by Defendant Ultimate Game Chair as President.

NATURE OF THE ACTION

5. This is a civil action for the infringement of United States Patent Nos. 5,669,818 (the “818 patent”) and 5,684,722 (the “722 patent”). This action is based on the patent laws of the United States, 35 U.S.C. § 1 *et. seq.*

JURISDICTION AND VENUE

6. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, as Counts I and II arise under the patent laws of the United States.

7. This Court has personal jurisdiction over Defendant Ultimate Game Chair based upon Ultimate Game Chair’s sales/business activity conducted through its interactive website. Ultimate Game Chair actively does business over the Internet through its sale of products that infringe the 818 and 722 patents via its website at <http://www.ultimategamechair.com>. On information and belief, Ultimate Game Chair knew or had reason to know that New Jersey citizens accessed its website and purchased infringing products through its website. On information and belief, Ultimate Game Chair processed orders and received payments from New Jersey citizens via its website. In addition, visitors to Ultimate Game Chair’s website are asked to submit personal information when making purchases and returns as well as when requesting company information, investor information and customer service. Through its marketing, press releases and interviews, Ultimate Game Chair has actively directed customers to its website to

purchase infringing products. Thus, Ultimate Game Chair's website is interactive and Ultimate Game Chair knew or should have known that it engaged in business transactions with New Jersey citizens through its website.

8. On information and belief, Defendant Ultimate Game Chair has other significant contacts with this forum because Ultimate Game Chair manufactures (directly or indirectly through subsidiaries, divisions or third party manufacturers) and/or assembles products that are and have been offered for sale, sold, purchased and used in the District of New Jersey. On information and belief, Ultimate Game Chair, directly and/or through their distribution network, places infringing devices within the stream of commerce, with the knowledge and understanding that such infringing devices would be sold in the District of New Jersey.

9. This Court has personal jurisdiction over Defendant Mr. Duran based upon Duran's infringement and active engagement in assisting Defendant Ultimate Game Chair's infringement of the 818 and 722 patents. On information and belief, Mr. Duran – a corporate officer of Ultimate Game Chair – purposefully directed Ultimate Game Chair's sales activities towards the District of New Jersey. On information and belief, Mr. Duran personally supervised, directed, participated in and/or approved Ultimate Game Chair's sales of infringing products in the District of New Jersey. Through his marketing efforts, interviews (in both print and nationally televised broadcast) and press releases, Mr. Duran has actively directed customers to purchase infringing products from Ultimate Game Chair's website as well as from brick-and-mortar locations.

10. Thus, the exercise of personal jurisdiction over Defendants Ultimate Game Chair and Mr. Duran will not offend traditional notions of fair play and substantial justice. Such an exercise is proper and consistent with New Jersey's long-arm rule pursuant to N.J. Ct. R. 4:4-4.

11. Venue is proper in the judicial district pursuant to 28 U.S.C. §§ 1391(c) and/or 1400(b).

FACTUAL BACKGROUND

12. On September 23, 1997, the 818 patent, entitled “Seat-Based Tactile Sensation Generator,” was duly and legally issued. The 818 patent is valid and enforceable. A copy of the 818 patent is attached hereto as Exhibit A.

13. On November 4, 1997, the 722 patent, entitled “Apparatus and Method for Generating a Control Signal for a Tactile Sensation Generator,” was duly and legally issued. The 722 patent is valid and enforceable. A copy of the 722 patent is attached hereto as Exhibit B.

14. Plaintiffs Thorner and VRF are the owners of all right, title and interest in and to the 818 patent.

15. Plaintiffs Thorner and VRF are the owners of all right, title and interest in and to the 722 patent.

16. The 818 and 722 patents relate generally to tactile sensation generators, devices that incorporate such generators and methods of using such generators.

17. On information and belief, Defendants Ultimate Game Chair and Mr. Duran manufacture and/or have manufactured and sell and/or have sold devices that incorporate the subject matter of the 818 and 722 patents. On information and belief, those devices include, but are not limited to, one or more video gaming chairs sold under such names as “Free Play Ultimate Game Pad,” “Reactor Game Chair,” “Capcom Reactor Game Chair,” “MotoGP 08 Reactor Game Chair,” “Renegade,” “Venom,” “Ultimate Game Chair v3,” “UGC v3 Recliner” and “Reactor Mini Game Chair.” On information and belief, the infringing devices are sold

and/or have been sold within this district and elsewhere throughout the United States.

18. On information and belief, Defendants Ultimate Game Chair and Mr. Duran have been selling the infringing products while being aware of the 818 and 722 patents. For example, Mr. Duran has filed and unsuccessfully prosecuted two patent applications that had numerous claims rejected as unpatentable over the 818 and 722 patents.

19. On information and belief, Defendants Ultimate Game Chair and Mr. Duran, with knowledge of the 818 and 722 patents, have been infringing, inducing others to infringe and/or contributing to the infringement of the 818 and 722 patents by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs within this district and elsewhere throughout the United States.

20. Defendants Ultimate Game Chair and Mr. Duran are not licensed under the 818 and 722 patents and are not authorized or permitted to manufacture, use, import, sell or offer to sell any of the subject matter claimed in the 818 and 722 patents.

COUNT I
PATENT INFRINGEMENT OF THE 818 PATENT

21. Plaintiffs VRF and Thorner repeat and re-allege the allegations of paragraphs 1-20 above as if fully set forth herein.

22. In violation of 35 U.S.C. § 271, Defendants Ultimate Game Chair and Mr. Duran have infringed and continue to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 818 patent by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs within this district and elsewhere throughout the United States, and/or by inducing or contributing to the infringement of one or more claims of the 818 patent by others.

23. On information and belief, Defendant Mr. Duran has actively aided and abetted

the infringement of the 818 patent by Defendant Ultimate Game Chair by supervising, directing, participating in and/or approving Ultimate Game Chair's infringement.

24. On information and belief, Defendants Ultimate Game Chair's and Mr. Duran's infringement is willful and deliberate, and justifies an increase in damages of up to three times under 35 U.S.C. § 284.

25. On information and belief, Defendants Ultimate Game Chair's and Mr. Duran's infringement of the 818 patent has been with knowledge of the 818 patent, and has been and continues to be willful, rendering this case "exceptional" under 35 U.S.C. § 285.

26. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendants Ultimate Game Chair's and Mr. Duran's infringement of the 818 patent.

27. On information and belief, Defendants Ultimate Game Chair and Mr. Duran will continue to infringe the 818 patent unless enjoined by this Court.

28. Plaintiffs VRF and Thorner have suffered and continue to suffer irreparable harm for which they have no adequate remedy at law.

COUNT II
PATENT INFRINGEMENT OF THE 722 PATENT

29. Plaintiffs VRF and Thorner repeat and re-allege the allegations of paragraphs 1-27 above as if fully set forth herein.

30. In violation of 35 U.S.C. § 271, Defendants Ultimate Game Chair and Mr. Duran have infringed and continue to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 722 patent by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs within this district and elsewhere throughout the United States, and/or by inducing or contributing to the infringement of one or more claims of the 722 patent by others.

31. On information and belief, Mr. Duran has actively aided and abetted the infringement of the 722 patent by Ultimate Game Chair by supervising, directing, participating in and/or approving Ultimate Game Chair's infringement.

32. On information and belief, Defendants Ultimate Game Chair's and Mr. Duran's infringement is willful and deliberate, and justifies an increase in damages of up to three times under 35 U.S.C. § 284.

33. On information and belief, Defendants Ultimate Game Chair's and Mr. Duran's infringement of the 722 patent has been with knowledge of the 722 patent, and has been and continues to be willful, rendering this case "exceptional" under 35 U.S.C. § 285.

34. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendants Ultimate Game Chair's and Mr. Duran's infringement of the 722 patent.

35. On information and belief, Defendants Ultimate Game Chair and Mr. Duran will continue to infringe the 722 patent unless enjoined by this Court.

36. Plaintiffs VRF and Thorner have suffered and continue to suffer irreparable harm for which they have no adequate remedy at law.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs VRF and Thorner respectfully requests:

A. Judgment be entered that Defendants Ultimate Game Chair and Mr. Duran have infringed, induced others to infringe, and/or contributed to the infringement of one or more claims of the 818 and 722 patents;

B. Judgment be entered permanently enjoining Defendant Ultimate Game Chair, its agents, servants, representatives, officers, directors, attorneys, employees, affiliates, assigns and all persons acting in concert with them, directly or indirectly, and Defendant Mr. Duran from

infringing, inducing others to infringe and/or contributing to the infringement of the 818 and 722 patents;

C. Judgment be entered awarding Plaintiffs VRF and Thorner all damages adequate for compensation for all past infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

D. Judgment be entered that Defendants Ultimate Game Chair and Mr. Duran infringement of the 818 and 722 patents is willful and deliberate, and therefore that Plaintiffs VRF and Thorner be awarded treble damages under 35 U.S.C. § 284;

E. Judgment be entered that Defendants Ultimate Game Chair and Mr. Duran infringement of the 818 and 722 patents is willful and deliberate, and therefore that this is an exceptional case entitling Plaintiffs VRF and Thorner to an award of attorneys fees for bringing and prosecuting this action, together with interest, and costs of the action under 35 U.S.C. § 285;

F. Judgment be entered awarding Plaintiffs VRF and Thorner such other relief as this Court may deem just and proper.

Respectfully submitted,

Dated: August 5, 2011

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs
Virtual Reality Feedback
Corporation and Craig Thorner

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38 and L. Civ. R. 38.1, Plaintiffs Virtual Reality Feedback Corporation and Craig Thorner hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

Dated: August 5, 2011

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs
Virtual Reality Feedback
Corporation and Craig Thorner

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that U.S. Patent No. 5,684,722 is the subject of the stayed action of THORNER et al. v. SONY COMPUTER ENTERTAINMENT AMERICA LLC et al., 3:09-cv-01894-GEB-DEA (D.N.J.), on appeal as No. 2011-1114 (Fed. Cir.) In addition, U.S. Patent Nos. 5,684,722 and 5,669,818 were the subject of the closed action of VIRTUAL REALITY FEEDBACK CORPORATION et al v. LUMISOURCE, INC. et al, 3:08-cv-02199-FLW-TJB (D.N.J.).

Dated: August 5, 2011

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs
Virtual Reality Feedback
Corporation and Craig Thorner